

MINUTES OF THE PUBLIC MEETING OF THE UTAH COUNTY COMMISSION OCTOBER 28, 2013 IN THE COMMISSION CHAMBERS OF THE COUNTY BUILDING AT 147 EAST MAIN, VERNAL, UTAH. MEETING COMMENCED AT 11:00 AM.

PARTICIPANTS: COMMISSION CHAIR MARK RAYMOND AND COMMISSIONERS MICHAEL MCKEE AND DARLENE BURNS.

ATTENDANCE: DAVID MCKEETH, JC BREWER, MATT CAZIER, ROBERT BARNHILL, MICHAEL WILKINS, STEVE SROKA, JOLEEN SNOW, STEPHANIE THACKER, MARY BERNARD, JON STEARMER, BRYAN MEIER, DANETTE BROOKS, BARBARA SIMPER, CHERYL STOCKS, CAROL BARKER, BRYCE BARKER, WENDI LONG, AND ED ZURBUCHEN.

MINUTES RECORDED BY TAI BRUCKNER, DEPUTY CLERK-AUDITOR.

PRAYER: JON STEARMER

PLEDGE OF ALLEGIANCE: TAI BRUCKNER

MINUTES OF THE REGULAR COMMISSION MEETING OCTOBER 21, 2013 WERE APPROVED AS PRESENTED.

APPROVAL OF WARRANTS DATED OCTOBER 24, 2013 IN THE AMOUNT OF \$1,093,170.21 WERE APPROVED AS PRESENTED.

TAX MATTERS: MICHAEL WILKINS

THE CLERK AUDITOR REQUESTED AN ADJUSTMENT OF 2013 TAXES IN THE AMOUNT OF \$350.46 FOR SERIAL NUMBER 05:030:0043. THE COUNTY PURCHASED THE PARCEL AFTER THE PREVIOUS OWNER PAID THE TAXES. THIS IS THE AMOUNT FOR THE REMAINDER OF THE 2013 YEAR. THE PROPERTY WILL ALSO BE CHANGED FROM TAX DISTRICT 4 TO 98.

THE CLERK AUDITOR REQUESTED AN ADJUSTMENT OF 2013 TAXES IN THE AMOUNT OF \$165.46 FOR SERIAL NUMBER 05:030:0051. THE COUNTY PURCHASED THE PARCEL AFTER THE PREVIOUS OWNER PAID THE TAXES. THIS IS THE AMOUNT FOR THE REMAINDER OF THE 2013 YEAR. THE PROPERTY WILL ALSO BE CHANGED FROM TAX DISTRICT 4 TO 98.

THE CLERK AUDITOR REQUESTED AN ADJUSTMENT OF 2013 TAXES IN THE AMOUNT OF \$145.53 FOR SERIAL NUMBER 05:030:0041. THE COUNTY PURCHASED THE PARCEL AFTER THE PREVIOUS OWNER PAID THE TAXES. THIS IS THE AMOUNT FOR THE REMAINDER OF THE 2013 YEAR. THE PROPERTY WILL ALSO BE CHANGED FROM TAX DISTRICT 4 TO 98.

COMMISSIONER BURNS MOVED TO APPROVE THE TAX ADJUSTMENTS AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

RATIFICATION OF BOARD OF EQUALIZATION: MICHAEL WILKINS

THERE WERE 144 APPEALS WITH A TOTAL REDUCTION IN VALUE OF \$1,235,975.00. A HEARING OFFICER WAS PRESENT FOR SEVERAL APPEALS BUT THE MAJORITY WERE STIPULATED AS AGREED BETWEEN THE ASSESSOR'S OFFICE AND THE TAX PAYER. THESE CHANGES ARE INCORPORATED IN THE SYSTEM AND WILL NOT AFFECT THE BUDGET. NONE OF THESE ARE CENTRALLY ASSESSED PROPERTIES.

COMMISSIONER MCKEE MOVED TO APPROVE THE 2013 BOARD OF EQUALIZATION AS RECOMMENDED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

TAX MATTER: REVIEW STATUS FOR MRS. JOLEEN SNOW

MRS. SNOW HAS REQUESTED A WAIVER OF GREENBELT ROLLBACK TAXES. SHE WAS ASKED TO PROVIDE INFORMATION REGARDING HER FINANCIAL STATUS. THIS INFORMATION HAS BEEN

REVIEWED. COMMISSIONER MCKEE MENTIONED THERE IS LITTLE WIGGLE ROOM UNDER STATE STATUTES TO ASSIST MRS. SNOW. THE ISSUE DOES NOT FALL UNDER THE INDIGENT CRITERIA.

COMMISSIONER MCKEE MOVED TO DENY THE REQUEST TO WAIVE ROLLBACK TAXES BUT TO DO WHAT IS POSSIBLE TO SET UP A PAYMENT SCHEDULE. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

BUSINESS LICENSES: ROBERT BARNHILL

FAT BOYS GRILL OWNED BY AMY WALLIS LOCATED AT 4743 SOUTH 4625 EAST, VERNAL IN THE INDUSTRIAL PARK. THIS IS A FULL SERVICE RESTAURANT. THEY HAVE RECEIVED THE NECESSARY APPROVALS FROM THE VARIOUS DEPARTMENTS. APPROVAL RECOMMENDED.

AIRCO HEATING AND COOLING OWNED BY ERIC EARL LOCATED AT 110 NORTH 1500 EAST, VERNAL. THIS IS A HOME BASED BUSINESS PROVIDING HEATING AND COOLING SERVICES FOR RESIDENTIAL PROPERTIES. THERE WILL BE ONE PICKUP AND A TRAILER. THEY HAVE BEEN INFORMED COMMERCIAL VEHICLES ARE NOT ALLOWED NOR IS THE STORAGE OF EQUIPMENT. SUPPLIES ARE TYPICALLY ORDERED AS NEEDED AND DELIVERED TO THE JOB SITE. APPROVAL RECOMMENDED.

COMMISSIONER BURNS MOVED TO APPROVE THE BUSINESS LICENSE FOR FAT BOYS GRILL AND AIRCO HEATING AND COOLING AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

CEMETERY CERTIFICATES: MICHAEL WILKINS

KATHY HATCH PURCHASED BLOCK P34 LOT 4 SPACE 2 IN THE VERNAL MEMORIAL PARK FOR THE SUM OF \$300.00.

KORTNEY MCCURRY PURCHASED LOT 148 SPACE 4 IN THE MAESER FAIRVIEW CEMETERY FOR THE SUM OF \$300.00.

RAMON L MEDINA AND REBECCA L MEDINA PURCHASED BLOCK H116 ½ LOT 2 SPACES 1, 2 IN THE VERNAL MEMORIAL PARK FOR THE SUM OF \$600.00.

COMMISSIONER BURNS MOVED TO APPROVE THE CEMETERY CERTIFICATES AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

RENEWAL OF PREDATOR CONTROL CONTRACT: MICHAEL WILKINS

KYLE STEVENS, UTAH DEPARTMENT OF AGRICULTURE SENT THE CONTRACT AND INVOICE TO THE COUNTY FOR THE PREDATOR CONTROL PROGRAM. THIS IS A COST-SHARE CONTRACT OF UP TO \$14,000.00. THEY PROVIDE \$7000 AND THE COUNTY MATCHES.

COMMISSIONER MCKEE MOVED TO APPROVE THE PREDATOR CONTROL CONTRACT WITH ATTORNEY REVIEW. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

COMMUNITY DEVELOPMENT: PUBLIC MEETING – MATT CAZIER

FEE WAIVER REQUEST: DENNIS MOTT – REQUEST FEE WAIVER FOR A REZONE APPLICATION FOR PROPERTY AT 2295 WEST HIGHWAY 40.

THIS PROPERTY IS JUST WEST OF THE PEPSI PLANT AND IS TRIANGULAR SHAPED. SOMEONE WAS INTERESTED IN PURCHASING THE PROPERTY. IT IS ZONED RA-1 AND HAS BEEN ASSESSED AS COMMERCIAL FOR YEARS. THE PROPERTY OWNER ASSUMED IT WAS ZONED COMMERCIAL. HE IS ASKING TO WAIVE THE REZONE APPLICATION FEE OF \$300.00.

COMMISSIONER BURNS MOVED TO WAIVE THE FEE AS REQUESTED. COMMISSIONER MCKEE SECONDED.

JON STEARMER POINTED OUT THAT IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO KNOW THEIR TAX ASSESSMENT AND ZONING.

COMMISSIONER RAYMOND CALLED FOR A VOTE. MOTION PASSED UNANIMOUSLY.

CONDITIONAL USE PERMIT: DAVID AND KRISTINE MCKEETH – FLAG LOT AT 3679 WEST MAIN STREET, VERNAL; SERIAL NUMBER 04:117:0042.

THIS PROPERTY IS SOUTH OF MAIN STREET, ZONED RA-1 AND IS 2.68 ACRES. THEY WOULD LIKE TWO FLAG LOTS. THERE IS A HOME ON THE SOUTHERN END OF THE PROPERTY. TWO LOTS IS THE MAXIMUM IN THE FLAG LOT CODE. THE PROPOSED ACCESS FOR BOTH HOMES WOULD BE 33 FEET WIDE DOWN THE WEST SIDE OF THE PROPERTY. PLANNING COMMISSION DID NOT HEAR ANY COMMENTS IN REGARDS TO THIS ISSUE. THE SECOND LOT, ALONG MAIN STREET WOULD HAVE 70 FEET OF FRONTAGE. THEREFORE, BOTH WOULD BE FLAG LOTS. THE MCKEETH'S ARE AWARE THEY WOULD NEED A WIDER RIGHT OF WAY TO ADD MORE LOTS. EVEN A PRIVATE ROAD WOULD NEED TO BE WIDENED IF THEY EVER WANTED TO DEVELOP FURTHER. APPROVAL RECOMMENDED WITH THE CONDITIONS TO FOLLOW ALL FLAG LOT REQUIREMENTS.

COMMISSIONER MCKEE MENTIONED THE SOUTHERN HOME MAY BE MORE VALUABLE IF THEY HAD A WIDER RIGHT OF WAY.

COMMISSIONER MCKEE MOVED TO APPROVE THE FLAG LOT CUP AS PRESENTED WITH THE CONDITION TO FOLLOW ALL FLAG LOT REQUIREMENTS. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

ORDINANCE AMENDMENTS:

ORDINANCE #10-28-2013 O1: CHAPTER 17.166.230 – DAY CARE FACILITIES IN NONCOMMERCIAL ZONE. THESE CHANGES CAME ABOUT DUE TO CHANGES IN THE FIRE DISTRICT CODES AND INCOMING APPLICATIONS. SOMEONE HAD REQUESTED A DAY CARE FOR NIGHTS TO HELP THOSE WITH GRAVEYARD SHIFTS. THEY ARE REMOVING THE TERM DAY TIME IN THE DEFINITIONS. THEY ALSO REMOVED THE TERM PRESCHOOL TO ALLOW FOR CHILDREN ALSO IN SCHOOL THAT NEED DAY CARE. THEY ARE ALSO UPDATING THE INTERIOR SQUARE FOOTAGE PER CHILDREN FROM 30 TO 35 AS PER STATE FIRE CODE. OUR CODE WILL NOW UPDATE TO FOLLOW ANY CHANGES MADE IN THE FIRE CODE.

COMMISSIONER BURNS MOVED TO APPROVE ORDINANCE #10-28-2013 O1 AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

ORDINANCE #10-28-2013 O2: CHAPTER 17.48.050 – COMMERCIAL AND INDUSTRIAL ZONE USES. PLANNING COMMISSION RECOMMENDED ADDING MANUFACTURED AND MODULAR HOME SALE LOTS TO THE COMMERCIAL AND INDUSTRIAL USE CHARTS. THESE LOTS WILL BE CONDITIONAL UNDER C-1 AND C-2 ZONES AND PERMITTED IN I-1 AND I-2 ZONES. THEY ALSO RECOMMENDED REMOVING MOBILE HOME SALES FROM THE USE CHARTS. A MOBILE HOME IS DEFINED BY THE STATE AS ANY MANUFACTURED HOME OLDER THAN 1976. SUCH HOMES BUILT AFTER 1976 ARE DEFINED AS MANUFACTURED. MODULAR HOMES ALSO HAVE THEIR OWN DEFINITION. THESE CHANGES MERELY DEAL WITH THE SALES OF SUCH HOMES NOT THEIR MANUFACTURING.

COMMISSIONER MCKEE ASKED IF THESE CHANGES WOULD ALSO AFFECT THE MG-1 ZONE. MATT CAZIER CLARIFIED THESE CHANGES ONLY AFFECT THE COMMERCIAL AND INDUSTRIAL USE CHARTS. THE OTHER ZONES WILL HAVE TO BE ADDRESSED INDIVIDUALLY. PLANNING COMMISSION WOULD ALSO HAVE TO HEAR ANY OF THOSE POTENTIAL CHANGES BEFORE COMMISSION APPROVAL IS REQUESTED.

COMMISSIONER MCKEE MOVED TO APPROVE ORDINANCE #10-28-2013 O2 AS PRESENTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

ORDINANCE #10-28-2013 O3: CHAPTER 16.20 – SURVEY TOLERANCES

MATT CAZIER CLARIFIED HE DOESN'T REALLY UNDERSTAND THESE CHANGES BUT THEY CAME DIRECTLY FROM THE SURVEYOR. THE CHANGES HAVE TO DO WITH THE ACCURACY OF THE SURVEY.

THERE ARE TWO PLACES THE NUMBERS ARE CHANGED. A PRECISION OF .07 FEET A FOOT PLUS 50 PARTS PER MILLION IS NOW REQUIRED. PLANNING COMMISSION RECOMMENDED APPROVAL.

COMMISSIONER BURNS MOVED TO APPROVE ORDINANCE #10-28-2013 O3 AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

ORDINANCE #10-28-2013 O4: CHAPTER 17.080.010 – DEFINITIONS

THIS ORDINANCE ADDRESSES THE DEFINITION OF A GUEST HOME. CHANGES INCLUDE REMOVING THE MINIMUM AND MAXIMUM SIZE OF THE GUEST HOME, RATHER PROPERTY OWNERS CANNOT COVER MORE THAN 40% OF THEIR PROPERTY WITH HOMES. THIS IS TO MAINTAIN PROPER DRAINAGE FOR THE PROPERTY. AS A GUEST HOME IS SUBJECT TO THE SAME SETBACKS AS THE MAIN RESIDENCE, IT WAS NO LONGER NECESSARY TO STATE THEY CANNOT BE BUILT WITHIN THE FRONT YARD. THE 12 FOOT HEIGHT RESTRICTION WAS ALSO REMOVED. SOME GUEST HOMES ARE BUILT OVER GARAGES.

COMMISSIONER MCKEE MOVED TO APPROVE ORDINANCE #10-28-2013 O4 AS PRESENTED. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

RESOLUTION #10-28-2013: UCIP VOTING MEMBER AND ALTERNATE

MICHAEL WILKINS ADDRESSED THE MEETING. UCIP STANDS FOR UTAH COUNTIES INDEMNITY POOL. THIS RESOLUTION IS DONE ANNUALLY. MICHAEL WILKINS SITS ON THE UCIP BOARD AND WOULD LIKE TO CONTINUE BEING A VOTING MEMBER. JOE MCKEA WOULD LIKE TO CONTINUE BEING THE ALTERNATE.

COMMISSIONER BURNS MOVED TO APPROVE RESOLUTION #10-28-2013 R AS PRESENTED. COMMISSIONER MCKEE SECONDED. MOTION PASSED UNANIMOUSLY.

BOARD APPOINTMENTS:

COMMISSIONER MCKEE MOVED TO APPOINT HOLLY MORTON TO THE TAX ADVISORY BOARD TO REPLACE JOE PEPPER. COMMISSIONER BURNS SECONDED. MOTION PASSED UNANIMOUSLY.

ADJOURN: MEETING ADJOURNED AT 11:42 AM.



MARK D. RAYMOND, CHAIR



MICHAEL W. WILKINS, CLERK-AUDITOR

